

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 513-Q/644-A
Case No. 91-12M/85-3C/89-7C
(PUD Modifications @ 12th, I & K Sts., N.W.)
May 11, 1992

Pursuant to notice, a public hearing of the Zoning Commission for the District of Columbia was held on January 30, 1992. At that hearing session, the Zoning Commission considered the application of Franklin Plaza Limited Partnership and 1215 I Street, N.W. Associates Limited Partnership for a modification of two previously approved planned unit developments (PUD), and review of the use of air space above and below a public alley separating the two PUDs. Consideration of the application is pursuant to Chapter 24 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning, and the District of Columbia Public Space Utilization Act, D.C. Code Section 7-1031 et seq. (1981). The public hearing was conducted in accordance with the provisions of 11 DCMR 3022.

FINDINGS OF FACT

1. The application, which was filed on August 20, 1991, requests modifications to Z.C. Order No. 513 in Case No. 85-3C and Z.C. Order No. 644 in Case No. 89-7C. The application also requests the Zoning Commission to determine the regulations applicable to the use of air space above and below the public alley between the two PUD sites, pursuant to the Public Space Utilization Act.
2. The PUD site that is the subject of these modifications (hereafter referred to as the "combined PUD site") comprises Lot 48 located at 1215 I Street, N.W.; Lot 49 located at 1200 K Street, N.W., and a portion of the 30-foot wide public alley that separates the two PUDs, all in Square 285.
3. The applicants propose to develop a single project by constructing an atrium connection in the air space above the alley, and by constructing a parking garage connection below the alley between the two PUDs. For zoning purposes, the connection will render the two PUD projects a single building.
4. Z.C. Order No. 513 granted consolidated PUD approval and a change of zoning from HR/C-3-C to C-4 for Lot 48 in Square 285 at 1215 I Street, N.W. The PUD approval was for the construction of a 12-story mixed-use office/retail building as a companion structure to the modern building on the adjacent property to the west known as 1225 I Street, N.W. The PUD

development was approved for a height of 130 feet, a total gross floor area of 265,080 square feet, a maximum floor area ratio (FAR) of 10.0, a maximum lot occupancy of eighty-eight percent (88%) and a minimum of 139 fullsize parking spaces. Although the project was approved in 1987, construction of this project has not begun due to the inability to secure a lead tenant for the project.

5. The 1215 I Street PUD involved several project amenities, including the delivery of financial support sufficient to establish 150 rehabilitated dwelling units at specified locations, an agreement with the National Park Service to "adopt" the triangular park known as Reservation No. 173, the provision of space for a qualified day care operator and Memoranda of Understanding with the Minority Business Opportunity Commission (MBOC) and Advisory Neighborhood Commission (ANC) 2C. The 150 dwelling units were to be ready for occupancy within eight years of issuance of a building permit for the office project. Although construction of the office project has not begun, the applicants have completed the rehabilitation of 132 dwelling units.
6. Z.C. Order No. 644 granted consolidated PUD approval and a change of zoning from HR/C-3-C to C-4 for Lot 49 in Square 285 at 1200 K Street, N.W. The PUD approval was for the construction of a 130-foot building for general office and retail use with a gross floor area of approximately 373,000 square feet, an FAR of approximately 11.17 and a minimum of 203 parking spaces located on 2 1/2 levels. Construction of this project is near completion. The limited modifications to the 1200 K Street PUD involve the portion of the southern facade that will be opened to provide access into the air space connection. There will be a change in the FAR of the 1200 K Street building from 11.17 to 11.2. The change results from the inclusion of a setback inside the atrium area at the 11th floor level in the existing building.
7. The 1200 K Street PUD also involved several project amenities, including the restoration of the exterior of the historic Franklin School, a financial contribution to educational programs, the rehabilitation of low-income housing, Memoranda of Understanding with the MBOC and ANC 2C, and a First Source Agreement with the Department of Employment Services (DOES).
8. The subject proposed modifications involve the redesign of the 1215 I Street building in a fashion that allows for a design transition between the modern design of 1225 I Street and the traditional Classical Revival design of 1200 K Street. In addition, the northern face of the 1215 I Street PUD will be altered to allow for the air space connection. The originally

proposed doorway connections above and below the loading dock and garage levels between the 1215 I Street and 1225 I Street buildings to allow the use of 13th Street as a measuring point will be eliminated. In addition, the location of the day care center will be on the first cellar, first, or second floors and will not be limited to only the first cellar level. There is no change in the approved height or FAR of the approved 1215 I Street PUD. The height is 130 feet as measured from 12th Street and 119' 3/4" as measured from K Street. The original building was 130 feet. The lot occupancy will increase slightly from a maximum of eighty-eight percent (88%) to a maximum of ninety-four percent (94%).

9. The C-4 District is the downtown core comprising the retail and office centers for both the District of Columbia and the metropolitan area, and allows office, retail, housing and mixed uses to a maximum height of 110 or 130 feet, a maximum lot occupancy of one hundred percent, and a maximum FAR of 8.5 or 10.0, with the maximum height and FAR dependant upon the width of adjoining streets.
10. Under the PUD process of the Zoning Regulations, the Zoning Commission will consider this modification application as a final-stage PUD. The Commission may also impose development conditions, guidelines, and standards that may exceed or be less than the matter-of-right standards identified above for height, FAR, lot occupancy, parking, and loading, or for yards and courts. The Zoning Commission may also approve uses that are permitted as a special exception and would otherwise require approval by the Board of Zoning Adjustment (BZA).
11. The District of Columbia Generalized Land Use Map of the Comprehensive Plan for the National Capital includes the combined PUD site in the category designated for high density commercial land uses.
12. In requesting the proposed modifications, the applicants intend to provide, and in some cases have already provided, the project amenities approved in the original PUDs. The proposed modifications to the approved PUDs do not involve any significant additional project density and accordingly, do not entail any changes to the previously approved project amenities.
13. The project also involves an application for Zoning Commission determination of the use of air space, pursuant to the District of Columbia Public Space Utilization Act. Section 7-1034(2) of the Act provides, in pertinent part, that the Mayor may lease air space above and below a public alley if:

"The Zoning Commission of the District of Columbia, after public hearing and after securing the advice and recommendations of the National Capital Planning Commission, has determined the use to be permitted in such air space and has established regulations applicable to the use of such air space consistent with regulations applicable to the abutting privately-owned property, including limitations and requirements respecting the height of any structure to be erected in such air space, off-street parking and floor area ratios applicable to such structure and easements of light, air and access."

14. Pursuant to the Public Space Utilization Act, the Zoning Commission must determine the use of the air space and insure that the proposed use is consistent with the zoning of the abutting properties. This application involves the use of the air space for a functional link between the commercial office buildings on the two adjoining lots. The air space connection in the alley will join the buildings at the second level, approximately 16 feet above the surface of the alley. In terms of overall height, the connection aligns with the 12th floor of the 1215 I Street building and is one floor lower than the 1200 K Street building. The main level of the connection will be used for lobby/reception space.
15. Under the applicants' preferred (atrium connection) plan, connecting corridors at the upper levels will be for circulation space and small conference rooms with no office space. In addition, there will be three levels of below grade connections linking the parking garages of the two buildings. These below grade connections will include 57 parking spaces, 49 more spaces than would be required under the Zoning Regulations.
16. The proposed design, configuration and materials for the above-grade connection, including the use of glass in the facade and the interior partition walls, will maximize light and air into the connection and the interior of the square and will not adversely affect the light and air to any adjacent properties. The proposed use of the air space for connecting corridors, a reception area and small conference rooms are consistent with the C-4 zoning of the abutting privately owned properties in the square.
17. The proposed density for the air space connection is only a fraction of the 10.0 FAR allowed on the adjacent C-4 zoned properties. The 1200 K Street PUD site consists of 33,601 square feet of land area, the land area of the alley consists of 5,580.6 square feet and the 1215 I Street PUD site consists of 26,508 square feet. The two PUD sites were approved for

11.17 and 10.0 FAR respectively, while the connection will consist of an FAR of 2.69 under the preferred scheme or 1.67 under the alternative scheme.

18. The above-grade connection will be set back a total of 25 feet from the eastern (12th Street) facades of the two buildings. The originally proposed distance of 18 feet was increased in response to comments made at the public hearing. The 12th Street elevation drawing and the sight line studies submitted with the applicants' post-hearing submission show that with this setback, the buildings will read as separate, though related structures and the alley will remain as a highly visible and functioning through-square access way. In addition, the connection will be set back 36 feet from the western facade of the 1215 I Street building and 85.5 feet from the western facade of the 1200 K Street building thereby minimizing any potential for negative impacts on the Franklin School and Franklin Square.
19. The detailed sight line and photographic studies shown at the hearing and included in the post-hearing submission demonstrate that the proposed plan will have no adverse impacts on Franklin Square or the Franklin School due to the highly limited visibility of the connection from Franklin Square and the setback of the connection from the school. The studies also show that the matter-of-right development of the now vacant sites along the east side of 12th Street will obstruct the narrow view through the alley from Franklin Square and that the construction of the connection will have no significant effect on this view.
20. The design of the proposed project is compatible with other development in the Franklin Square area. The more traditional design of the 1215 I Street building will allow the building to function as a visual link between 1225 I Street and 1200 K Street. The proposed project will read as two separate buildings along 12th Street with a transparent glass connecting link set back 25 feet from the facades.
21. There will be a total clearance of at least 16 feet above the surface of the alley. With this clearance, the alley will continue to function as a public alley and there will be no adverse impact on access to any of the properties in the square. In each of the previous PUD cases, it was established that under the proposed plans, there will be excellent circulation in the square and ample space for maneuvering. There will be no change to the originally proposed loading berth access off of the alley for either of the two buildings and the alley will continue to function as a wide through-alley.

22. The connection of the two separate buildings will address the current demand and critical need for large office buildings with large floor plates in the Central Employment Area. Despite the oversupply of office space available for rental in the Downtown area, there is a shortage of large buildings that offer large floor plates. Federal government agencies and large private sector tenants dominate the current leasing market. Some of these tenants require large floor plates in order to consolidate related activities on single floors and to maximize efficiency in operation. In many cases, these tenants typically refuse to consider small and medium size office buildings and insist on the opportunity for consolidation afforded by large buildings. The proposed project will respond directly and immediately to the current, pressing demand for suitable office space in the District of Columbia. There are few projects either available or under construction in the District that will offer comparable space to address this immediate need. The difficulty in securing financing for many of the proposed large projects further exacerbates the undersupply of these buildings.
23. The effort to accommodate major government and private sector tenants in this project promotes several goals set forth in the Downtown and Federal Elements of the Comprehensive Plan, including the goal of promoting Franklin Square as a prestigious office area and the goal of locating federal employment in the Central Employment Area.
24. The disproportionate demand for large buildings with large floor plates relative to the supply is a prevailing condition that is expected to continue because the number of users in the largest tenant category, 200,000 square feet and greater, has been increasing over time and is expected to continue to increase. In addition, General Service Administration's (GSA) efforts to reorganize, consolidate and relocate government agencies from obsolete space is an ongoing effort that results in more than fifty percent (50%) of the total demand for office space.
25. Large tenants typically require office buildings with floor sizes of 40,000 square feet and above. There are significant advantages associated with large floor plates including the efficiencies related to expanding horizontally rather than vertically and the need for a reduced number of support facilities such as copy rooms, conference rooms and reception areas.
26. The applicants' traffic expert indicated that the requested modifications and the use of air space are appropriate from a traffic engineering viewpoint. Since the connection will

provide no additional office space, there will be no additional trips as a result of the approval of the proposed modifications and air rights application. The type of building tenants, whether public or private sector, will have no effect on trip generation or parking demand. If flexibility is granted regarding the number of parking spaces, as requested by the applicants, there would still be excess parking supply to meet the demand.

27. The applicants have been unable to lease both the 1215 I and 1200 K Street projects due to the current oversupply of available medium size office buildings in Washington, D.C. including space in new buildings, as well as space in older buildings available upon the expiration of existing leases. Based on the extensive efforts of the applicants to lease each of the proposed buildings, including several years of marketing efforts and the preparation of over 88 proposals for the two buildings, there is limited demand for the proposed buildings in their current configuration.
28. The connection is designed to allow adequate and efficient interior circulation between the 1200 K Street and 1215 I Street buildings. In a large floor plate building, circulation is most efficiently laid out around the perimeter of the building, where offices are concentrated, rather than between the cores, thereby justifying the need for two connecting passageways in the air space rather than one.
29. The applicants requested flexibility in construction options as well as design and the floor plan layout.
30. The District of Columbia Office of Planning (OP), by memorandum dated January 21, 1992 and by testimony presented at the public hearing, recommended that the application be approved. OP stated the following:

"The Office of Planning has done a comprehensive evaluation of the subject applications. The requested approval of modifications to two previously approved PUDs and for the use of air space above and below a public alley which separates them is consistent with the Comprehensive Plan. The subject proposal would provide a project that is compatible with surrounding buildings in terms of height, design and massing. As well, it would retain the visual separation of the buildings located at 1200 K and 1215 I Streets, while providing the applicants with more marketable office space in the downtown area. Furthermore, the applicants would continue to provide the public benefits and amenities as promulgated in Zoning Commission Order Nos.

513, 513-A and 644, as well as pay an annual fee for the use of public space. Accordingly, the Office of Planning recommends approval of this application."

31. The District of Columbia Department of Public Works (DPW), by memorandum dated January 28, 1992, indicated that the proposed modification would not affect the internal circulation and access to loading and parking areas as was previously approved. DPW further indicated that the proposed number of on-site parking spaces will meet the needs of the project.
32. The District of Columbia Public Schools (DCPS), by letter dated January 27, 1992, indicated that the proposed development would cause no adverse impact on Thompson Elementary nor Franklin School properties.
33. The District of Columbia Metropolitan Police Department (MPD), by letter dated January 8, 1992, indicated that the proposal would not generate an increase in the level of police service already provided. The MPD did not oppose the proposal.
34. Advisory Neighborhood Commission (ANC) 2C filed a letter, dated September 5, 1991, recommending that the application be set for hearing. The ANC did not participate at the hearing nor submit any written statement of issues and concerns for the Zoning Commission to address.
35. The Service Employees International Union, Local 82 (SEIU), which leases office space across K Street from the PUD site participated as a party in opposition at the public hearing. SEIU, by Exhibit Nos. 52-55 and by testimony presented at the public hearing argued the following points:
 - a. That there is no evidence of the need for large floor plates;
 - b. That the visibility of the connection from adjacent properties would have serious adverse impacts and would reduce pedestrian activity at the street level;
 - c. That the modification should involve additional project amenities; and
 - d. That the proposal is inconsistent with the Comprehensive Plan for the Mt. Vernon Square area.
36. Two persons testified at the public hearing and several letters were received in the record in support of proposal. Many believed that the proposal would help revitalize the area.

37. The Zoning Commission concurs with the recommendations of OP and finds that the proposed modification to Z.C. Order Nos. 513 and 644 and the related air rights approval are reasonable, appropriate, and not inconsistent with the goals and objectives of the original PUD approvals and the standards set forth for air rights application.
38. In response to the issue raised by the party in opposition, the Commission makes the following findings:
- a. There is a demonstrated need for large buildings with large floor plates in the Central Employment Area. This need results from the dominant tenants in the current real estate market, large private sector and government tenants. There is a demonstrated undersupply of buildings available to meet the needs of these tenants. In contrast, there is an oversupply of small and medium size buildings such as 1200 K Street and 1215 I Street;
 - b. The proposed modifications will have positive impacts on the design of the 1215 I Street building. In addition, the connection between the two buildings is set back sufficiently to avoid any adverse impact on the Franklin Square, the Franklin School or on views from 12th Street. There will be limited visibility of the connection from both eastern and western vantage points. In addition, through the extensive use of glass in the facade and interior partition walls of the connection, there will be adequate light and air in the interior of the square;
 - c. The proposed connection will have no effect on pedestrian activity at the street level. Section 909.2(f) of the Comprehensive Plan (10 DCMR), which prohibits pedestrian bridges because of their effect on pedestrian activity, is in a section of the Comprehensive Plan pertaining to pedestrian bridges across streets which serve to drain pedestrian activity from the sidewalks. The air space connection in this application presents an entirely different concept and therefore Section 909.2(f) is not relevant to the subject application. In the two original PUD orders, the Zoning Commission found that the PUDs would not be inconsistent with the Comprehensive Plan. The modifications and the addition of the connection will not alter this finding. Further, the Zoning Commission previously found that the PUDs are located in the Franklin Square sub-area of the Comprehensive Plan and that the PUDs were consistent with the objectives for that area. The Zoning Commission reiterates this earlier finding; and

- d. The Zoning Commission finds that the modifications are of such a minor nature that additional project amenities are not necessary or appropriate. The height and bulk of the projects will remain as originally approved. Further, amenities are not required in connection with air space applications. Such applications are processed under the standards set forth in the Public Space Utilization Act which require that the height, bulk and other features of the connection to be constructed in the air space are consistent with the Zoning Regulations applicable to the abutting privately-owned property. Consistent with the Act, the applicants will lease the air space from the District of Columbia at its fair market rental value.
39. The Zoning Commission finds that the proposed utilization of air space is consistent with the Zoning Regulations applicable to the abutting privately-owned property. Specifically, the Zoning Commission finds that the proposed connection at a maximum FAR of 2.72 represents approximately twenty-seven percent (27%) of the allowable density on the adjacent C-4 zoned property. In addition, the proposed height and number of parking spaces are consistent with the zoning of the adjacent property.
40. The Commission finds that the proposed twenty-five (25) foot setback of the connecting bridges from the 12th Street right-of-way was inadequate and believes that it has appropriately addressed this concern in its decision. The Commission further finds that the uses of the connecting bridges should be limited, and believes that it has also adequately addressed this concern in its decision.
41. The Commission finds that the applicants have satisfied the intent and purpose of chapter 24 of DCMR, Title 11, Zoning.
42. The proposed action of the Zoning Commission was referred to the National Capital Planning Commission (NCPC), under the terms of the District of Columbia Self-Government and Governmental Organization Act. NCPC, by report dated April 30, 1992, indicated that the proposed modifications would not adversely affect the Federal Establishment or other Federal interests in the National Capital, nor be inconsistent with the Comprehensive Plan for the National Capital.
43. On May 11, 1992 at its regular monthly meeting, the Zoning Commission considered a letter dated April 23, 1992 from counsel for the applicant. The letter requested a waiver of the Rules of Practice and Procedure to allow for flexibility in the operation of the parking garage. The requested flexibility is to make the space in the parking garage

available in accordance with Condition Nos. 28 and 29 of Z.C. Order No. 513, unless the PUD building is occupied by a government agency that needs control of the garage for security purposes. The Commission finds the requested flexibility reasonable and appropriate.

44. The Commission expressed general reservations about the concept of bridging the air space of public alleys. However, because of certain unique features associated with this PUD modification, the Commission finds that this proposal to bridge the subject alley is appropriate. The unique features include, but are not limited to, the following:
- a. That the redevelopment and restoration of the entire square were subject to zoning review before the Commission; and
 - b. That the proposed revision to provide a physical separation (fourth floor and above) between the proposed PUD structure at 1215 I Street and the existing structure at 1225 I Street creates a visual airspace resulting in the perception of two buildings on the north side of I Street, rather than the perception of one continuous building, as previously approved. The physical separation of the I Street buildings partially offsets the visual impact of the proposed bridge over the alley.

CONCLUSIONS OF LAW

- 1. The planned unit development process is an appropriate means of controlling development of the subject sites because control of the use and site plan is essential to ensure compatibility with the neighborhood.
- 2. The proposed modifications to these PUDs will carry-out the purpose of chapter 24 of the Zoning Regulations, which is to encourage the development of well-planned residential, institutional and mixed-use development which will offer a variety of building types with more attractive and efficient overall planning and design not achievable under matter-of-right development.
- 3. The proposed modifications to these two PUDs are compatible with the city-wide goals, plans and programs and will not change the overall nature or character of the original PUDs. Approval of these PUD modifications is not inconsistent with the Comprehensive Plan for the National Capital.
- 4. Approval of these PUD modifications and air space application is consistent with the purpose of the Zoning Act (Act of June

20, 1938, 52 Stat. 797), by furthering the general public welfare and serving to complete the development of the square.

5. The PUD modifications can be approved with conditions that ensure that the development will not have an adverse effect on the surrounding community but will enhance the neighborhood and ensure the neighborhood's stability.
6. Approval of these PUD modifications will promote development in conformity with the entirety of the District of Columbia zone plan as embodied in the Zoning Regulations and Map of the District of Columbia.
7. This application is subject to compliance with D.C. Law 2-38, the Human Rights Act of 1977.
8. The Zoning Commission of the District of Columbia must determine the use and Zoning Regulations applicable to the use of air space, consistent with zoning applicable to abutting privately-owned property, for individual applications as they are brought before this Commission. The standards for the Commission's approval are set forth in Section 7-1034, D.C. Code, where it is provided that the Commission must establish that such regulations are "consistent with regulations applicable to the abutting privately-owned property, including limitations and requirements respecting the height of any structure to be erected in such air space, off-street parking and floor area ratio applicable to such structure, and easements of light, air and access."
9. The proposed use of air space pursuant to the regulations which generally apply to the C-4 District, together with the regulations which apply to the specific sites, is reasonable.
10. Approval of this air space application is not inconsistent with the Comprehensive Plan for the National Capital.
11. The proposed air space application can be approved with conditions which ensure that development will not have an adverse impact on the surrounding community.
12. The approval of this air space application will promote orderly development in conformity with the entirety of the District of Columbia zone plan as embodied in text and maps of the Zoning Regulations of the District of Columbia.
13. The Zoning Commission could not give "great weight" consideration to the recommendations of ANC-2C because the ANC did not submit its issues and concerns to the Zoning Commission.

DECISION

In consideration of the findings of fact and conclusions of law herein, the Zoning Commission for the District of Columbia hereby orders APPROVAL of a modification of the planned unit development (PUD) for Lot 49 in Square 285 located at 1200 K Street, N.W. and previously approved in Z.C. Order No. 644; a modification of the PUD for Lot 48 in Square 285 located at 1215 I Street, N.W. and previously approved in Z.C. Order Nos. 513 and 513-A; and the use of public space above and below the public alley separating lots 48 and 49 in Square 285. This approval is subject to the following guidelines, conditions, and standards:

1. The two PUD projects shall be modified in accordance with the architectural drawings submitted by the Weihe Partnership, marked as Exhibit No. 24B, as modified by the guidelines, conditions, and standards of this order.
2. No connecting bridge(s) between the two PUD projects shall be closer than 75 feet west of the 12th Street right-of-way.
3. The use of the connecting bridge(s) shall be limited to conference, circulation, reception, and/or atrium.
4. All exterior and interior walls and partitions of that portion of the project in the public space above the alley shall be of transparent materials.
5. The location of the west facade of the connecting bridge shall be no further west than that location, as shown on Exhibit No. 24B.
6. There shall be no connection above the fourth floor of the PUD project on Lot 48 to the existing building at 1225 I Street, N.W., as shown on Exhibit No. 24B.
7. The maximum floor area ratio (FAR) for the combined PUD site, including lots 49 and 48 and the public space at the alley shall be 10.00; including Lot 49 = 11.20 maximum FAR, Lot 48 = 10.00 maximum FAR, and the public space = 2.72 maximum FAR.
8. The maximum height of development for the combined PUD site shall be 130 feet. The minimum height of the underside of the air space connection(s) above the grade of the alley shall be 16 feet.
9. The exterior materials of the PUD project shall be in accordance with the samples shown on Exhibit No. 24A (Tab J) of the record.

10. The minimum on-site parking requirements for the combined PUD site shall be 431 spaces; including 203 spaces for Lot 49, 220 spaces for Lot 48, and 8 spaces for the air space portion of the project.
11. The applicants shall have flexibility in the following construction options:
 - a. Construct air space connection without atrium; i.e., no atrium floor at second floor level and no skylight at twelfth floor level;
 - b. Construct air space connection and then remove it in the future, restoring facades of 1200 K Street and 1215 I Street; and
 - c. Construct 1215 I Street by completing north facade and not building air space connection.
12. The applicants shall have flexibility in the following features, subject to Condition Nos. 4 and 9 of this order:
 - a. Modify exterior design to meet any requirements imposed by the lease ultimately negotiated with the District (e.g., greater clearance over the alley); and
 - b. Vary the final detailing of the building, including:
 - i. The location and design of all interior components, provided that the variations do not change the exterior configuration of the building;
 - ii. Minor adjustments in facade and window treatments, including belt courses, sills, bases, cornices, railings and trim and the number and location of entrances to retail uses on the ground floor to accommodate different numbers and types of retailers;
 - iii. Final selection of exterior materials within the color ranges and material types as proposed, based on availability at the time of construction;
 - iv. Landscape, lighting and paving details to accommodate utility requirements, requirements of streetscape committee and materials available at time of construction; and

- v. Vary the arrangement and size of the parking garage, building a minimum of 431 spaces, with the additional area to be used for storage or other ancillary uses.
13. If a government agency occupies the PUD building and requires complete control over the parking garage for security purposes, the applicant shall not be required to comply with Condition Nos. 28 and 29 of Z.C. Order No. 513. If complete garage control is so required, the applicant shall file a copy of the government agency requirement with the Zoning Commission and the Zoning Administrator before the issuance of a certificate of occupancy for the 1215 I Street portion of the PUD project.
14. No building permit shall be issued for this proposal until the applicants have recorded a "Notice of Modification" of Z.C. Order Nos. 513, 513-A, and 644 in the land records of the District of Columbia. That Notice of Modification shall include a copy of Z.C. Order Nos. 513, 513-A, 644, and 513Q/644-A that the Director of the Office of Zoning has certified as true copies.
15. After recordation of said Notice of Modification, the applicants shall immediately file a certified copy of the recorded Notice of Modification with the Office of Zoning for the records of the Zoning Commission.
16. The Office of Zoning shall not release the record in this case to the Zoning Division of the Department of Consumer and Regulatory Affairs (DCRA) until the applicants have satisfied Condition Nos. 14 and 15 of this order.
17. The PUD modifications approved by the Zoning Commission shall be valid for a period of two years from the effective date of this order, unless further extended by the Zoning Commission. Within such time, an application must be filed for a building permit as specified in 11 DCMR 2407.1. Construction shall start within three years of the effective date of this order, unless further extended by the Zoning Commission.
18. The structure in the air space and the connected structures on lots 48 and 49 shall be deemed to constitute one building, and shall comply as such with the requirements of this order.
19. Pursuant to D.C. Code Section 1-2531 (1987), Section 267 of the D.C. Law 2-38, Human Rights Act of 1977, the Applicants are required to comply with the provisions of D.C. Law 2-38, as amended, codified as D.C. Code, Title 1, Chapter 25 (1987),

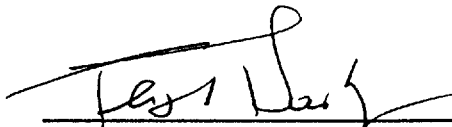
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and this order is conditioned upon full compliance with these provisions. Nothing in this order shall be understood to require the Zoning Division of DCRA to approve permits if the applicants fail to comply with any provision of D.C. Law 2-38, as amended.

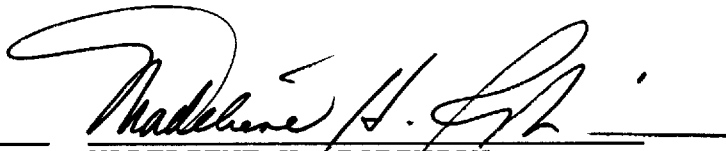
Vote of the Zoning Commission taken at the special public meeting on March 26, 1992: 5-0 (William L. Ensign, Maybelle Taylor Bennett, John G. Parsons and Tersh Boasberg, to approve with conditions, and Lloyd D. Smith, to approve by absentee vote).

This order was adopted by the Zoning Commission at the public meeting on May 11, 1992 by a vote of 4-0 (Maybelle Taylor Bennett, William L. Ensign, John G. Parsons, and Tersh Boasberg, to adopt as amended - Lloyd D. Smith, not present, not voting).

In accordance with the provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register, that is, on JUN 26 1992.



TERSH BOASBERG
Chairman
Zoning Commission



MADELIENE H. ROBINSON
Acting Director
Office of Zoning

513-Q-ZC/bhs